

EXHIBIT 1
part 5 of 5

1 PRESIDING COMMISSIONER FISHER: I show none.

2 DEPUTY COMMISSIONER MEJIA: Let's see where

3 did I get that one?

4 ATTORNEY TARDIFF: He's got another 115 in
5 '84.

6 DEPUTY COMMISSIONER MEJIA: That's what I'm
7 saying, there's two of them.

8 INMATE BAKER: Two.

9 ATTORNEY TARDIFF: But no 128s.

10 DEPUTY COMMISSIONER MEJIA: Okay, no 128s.

11 No gang affiliation noted. And we're going to go
12 to your Psych Reports. I'll keep this one out so I
13 can -- The Psych Report I have is May 30, 2003. Do
14 you have a 2004?

15 ATTORNEY TARDIFF: No.

16 DEPUTY COMMISSIONER MEJIA: So this is the
17 most current?

18 ATTORNEY TARDIFF: Yes.

19 DEPUTY COMMISSIONER MEJIA: By Dr. Jeff
20 Howlin, H-O-W-L-I-N, dated May 30, 2003. And
21 diagnostic impression is Axis I, No Contributory
22 Clinical Disorder. Axis II, No Contributory
23 Personality Disorder. Axis III, No Contributory
24 Physical Disorder. Axis IV, Long Term
25 Incarceration. Axis V, GAF of 85. His prognosis
26 is positive for being able to maintain his current
27 mental status in the community upon release. There

1 is no evidence of mood or thought disorder. At
2 that time his judgment appeared to be in tact.
3 Demonstrated excellent insight into his commitment
4 offense.. Review of life crime, as Baker discussed
5 the circumstances surrounding his commitment
6 offense (indiscernible) version was similar to that
7 discussed in the Central File. As mentioned
8 previously he had smoked marijuana cigarette that
9 day he said which had been laced with PCP, white
10 powder. (Indiscernible) led to choices that led to
11 a store being robbed, two females being kidnapped
12 and taken away and dropped off a couple miles from
13 the store. Later while driving what inmate Baker
14 described as a joy ride, they saw an individual by
15 the road and wanted to scare him. They stuck guns
16 out of the window after which the victim slapped
17 inmate Baker's gun and since his hand was on the
18 trigger the gun went off. Mr. Dixon, the victim,
19 was paralyzed from the waist down. Inmate Baker
20 discussed the crime in detail and his reflection
21 and thoughts about why such things might have
22 happened. He said that in particular after taking
23 Dr. (indiscernible) Lifer Group he realized that
24 about a week prior to the commitment offense --

25 [Thereupon, the tapes were turned over.]

26 DEPUTY COMMISSIONER MEJIA: Okay, we're on
27 side B of this hearing. I'm reading the

1 Psychological Report. Prior to his commitment
2 offense he had become very angry due to learning
3 that his ex-girlfriend has aborted his child. He
4 said, "this really messed me up," quote, unquote.
5 Therefore, he said he was feeling both anger and
6 depression as a result of what happened and now
7 thinks that the use of PCP and marijuana only
8 elevated these intense feelings. Inmate Baker
9 accepted responsibility for the crime. He did not
10 attempt to minimize his part. However, he
11 acknowledged the role that his life events played
12 as well as the use of illicit substances. He did
13 not (indiscernible) premeditation involved in the
14 crime itself. He demonstrated what appeared to be
15 a genuine remorse when discussing the victims. And
16 it was clear after his (indiscernible) discussion
17 that he has spent much time reflecting on the
18 crimes generating alternatives to his choices at
19 that time. Since being incarcerated for a period
20 of about 23 years, inmate Baker has only two, has
21 had two CDC 115s, the last being in 1989. Neither
22 of the 115s were of a violent nature. He denied
23 any gang prior to or since his incarceration and
24 has rather minimal criminal record. He has a one-
25 time burglary charge as a juvenile and stated he
26 spent approximately nine months in the Youth
27 Authority. Inmate Baker has made considerable

1 gains since his incarceration. It appears he has
2 taken advantage of many self-help (indiscernible)
3 as well as more internally driven changes and
4 attempts at self-improvement such as his training
5 in computer programming and his music. In
6 consideration of these factors as well as his lack
7 of additional violent history outside his
8 commitment offense, his relative lack of
9 significant CDC 115 violation history, it is
10 estimated that his violence potential within a
11 controlled setting is estimated to be significantly
12 below average relative to the Level Two inmate
13 population. If released to the community his
14 violence potential is estimated to be no more than
15 higher, no more than, to be no higher than the
16 average citizen in the community. Possible risk
17 factors for this inmate which could be a precursor
18 to violence will be a return to the use of illicit
19 substances. Should he choose to abuse illicit
20 substances again, particularly PCP, his violence
21 potential would be considered much higher than the
22 average citizen in the community. And the
23 counselor had him as posing a low degree of threat
24 when released to the community. Do you have
25 anything to add or anything to comment
26 (indiscernible) my presentation, Counsel?

27 ATTORNEY TARDIFF: Not at this time.

1 DEPUTY COMMISSIONER MEJIA: Then we'll
2 return this back to the Chair.

3 PRESIDING COMMISSIONER FISHER: I want to go
4 back to some of your Psych Reports. And they've
5 talked over the years about your feelings of
6 remorse for what happened. Can you articulate that
7 for us, please, how you feel about how your actions
8 affected other people's lives?

9 INMATE BAKER: Absolutely. I know when I
10 first caught this offense, I didn't really think
11 about other people. But since going through all
12 the psychiatric programs and the self-help, what
13 I've learned is that, feeling-wise, man, excuse me.

14 PRESIDING COMMISSIONER FISHER: It's all
15 right.

16 INMATE BAKER: What I've learned,
17 particularly with the victim program that they have
18 set up to where they have a victim outreach
19 program, and I didn't understand how deeply victims
20 were hurt by crime. And what I meant by that is
21 this here, is I didn't understand the long range
22 effects of crime on people and particularly for Mr.
23 Dixon, I'm so sorry. I'm so sorry. And I think
24 because of my uncle, because when he got paralyzed,
25 it's like I saw that as a calling come back to me
26 for what I did to him. And that helped me to
27 understand, to get a deeper understanding of how

1 actually deep this crime was. And what I've
2 learned is this here, particularly, Mr. Dixon, is
3 this here. I not only affected him, but I've
4 affected his immediately family and his extended
5 family. And what I mean by that is this here. If
6 he didn't have any children, then I took that from
7 him. I took that from him. If he was married at
8 the time, that could have split his marriage. None
9 of these things ever crossed my mind during this
10 crime, none of these. But I understand now. Like
11 I said, the far-reaching effects of it, he could,
12 as far as working-wise, he can't do the things he
13 used to do, and I understand that now. And those
14 are things that really I think about every day.
15 And it's because of him and the other victims which
16 have prompted me to change my life. Prior to this
17 crime I was never considered a bad person, I was
18 never considered a bad person. And during this
19 crime, that was the worst time of my life. And
20 after that crime, I've dedicated myself to helping
21 others. I may not can give back that which I've
22 taken from them, but what I can do is, while I'm
23 here on this earth, is to help people the best I
24 can and how the Lord is using me to do that is
25 through ministering the word. Now there's a lot of
26 people within this environment and I'm sure is out
27 there on the streets out there. We take for

1 granted every day that we're going to be here. We
2 take for granted that you know, nothing on earth is
3 going to happen. But what I've learned is that God
4 can come at any time and take us. And my whole
5 thing is to be right with God regardless of what
6 happens, to be right with God. And I know that the
7 only way that I'm going to do that is to stand firm
8 on his word and do what he tells me to do. And
9 it's because of my conviction to the scripture as
10 well as that to the victims. I want them to
11 understand the things that they went through is not
12 going to go in vain. It's not going to be in vain.
13 Even if I have to spend the rest of my life in
14 prison, it's not going to be in vain because I'm
15 going to make a difference whether it's here or out
16 there. And there's just no words that I can really
17 express to you put in word that would really
18 express to you the pain that I feel for what I've
19 done. And it's like if you think about the
20 Category X report they gave me, when I was going
21 through that, Dr. Gooday, he told me, he says,
22 there are, he says you're doing good here, but
23 there are underlying occurrences that you need to
24 deal with. I didn't understand what he was talking
25 about. But I see the underlying occurrences come
26 is with the new insight of how I affected people.
27 And in turn what can I do to make things better.

1 That's where the insight came. I didn't understand
2 that then but I do now.

3 PRESIDING COMMISSIONER FISHER: Okay, that
4 answered my question. Do you have any questions,
5 Commissioner?

6 DEPUTY COMMISSIONER MEJIA: Yeah, how did
7 the victim get shot twice?

8 INMATE BAKER: My crimie, he had the gun
9 pointing out. And I believe this, I don't know,
10 but I believe he pulled the trigger thinking I
11 pulled the trigger, and that's how that happened.
12 Because both barrels were right there.

13 DEPUTY COMMISSIONER MEJIA: Okay, did you
14 see the victim fall on the ground?

15 INMATE BAKER: No, I didn't. That's my
16 cousin, she just drove off.

17 DEPUTY COMMISSIONER MEJIA: Why did he have
18 high powered rifles in the back seat?

19 INMATE BAKER: Well that's what we had. We
20 left the house --

21 DEPUTY COMMISSIONER MEJIA: What kind of
22 rifles were they?

23 INMATE BAKER: I'm not an expert. That's
24 why I say, that's my first time ever of being
25 around a weapon.

26 DEPUTY COMMISSIONER MEJIA: The gun that you
27 shot the victim with?

1 INMATE BAKER: That's what I'm saying. It
2 was a rifle. I know it was a rifle.

3 DEPUTY COMMISSIONER MEJIA: Was it a 22?

4 INMATE BAKER: Commissioner, I really
5 couldn't tell you that.

6 DEPUTY COMMISSIONER MEJIA: Okay now, I was
7 going to ask you about the remorse, but you
8 answered that. If you get released in the streets,
9 what kind of employment are you going to be able to
10 get yourself into in order for you to be a
11 productive member of society?

12 INMATE BAKER: Okay I have --

13 DEPUTY COMMISSIONER MEJIA: What have you
14 learned? Because I see academics here. I haven't
15 really seen any -- Do you have any vocation that
16 you've completed?

17 ATTORNEY TARDIFF: Computer programming.

18 INMATE BAKER: I've taken computer
19 programming.

20 DEPUTY COMMISSIONER MEJIA: Computer
21 programming?

22 INMATE BAKER: Yes, Sir.

23 ATTORNEY TARDIFF: And right now he's in PIA
24 Textiles.

25 INMATE BAKER: Yes.

26 DEPUTY COMMISSIONER MEJIA: So what can you
27 use out there on the streets if you get released?

1 INMATE BAKER: Well the skills, it's like
2 with a tax firm, he wants me to come there to
3 upgrade his system and to get employment there.
4 And I also could use that skill, this is why I'm
5 talking about going back to college, go to college
6 out there to upgrade it so that I can be right with
7 the mainstream of things. The skills I learned
8 here, particularly, like I say, with the computer
9 programming, you know, it's a viable skill. And I
10 see like even in this area here it talks about all
11 the time how the computer industry is still --

12 DEPUTY COMMISSIONER MEJIA: I was basically
13 trying to review your file when Commissioner was
14 doing your parole plans. Does he have any?

15 PRESIDING COMMISSIONER FISHER: Yes, he has
16 a couple of offers of residences.

17 DEPUTY COMMISSIONER MEJIA: How about
18 employment.

19 PRESIDING COMMISSIONER FISHER: He has an
20 offer of employment.

21 DEPUTY COMMISSIONER MEJIA: And the next
22 question is I've been listening of your description
23 of how you got, what led you to end up committing
24 those crimes.

25 INMATE BAKER: Yes, Sir.

26 DEPUTY COMMISSIONER MEJIA: You said what,
27 PCP, stresses in your life, lost your baby, not

1 getting along with your parents, with your dad, you
2 were angry. If you're going to look at it, how
3 many percentage of personal responsibility with
4 that crime?

5 INMATE BAKER: I take full responsibility
6 for that crime. And the reason I say that is here,
7 because even though, this is why I was
8 (indiscernible) to the Panel, this is not an
9 excuse, because that was just for informational
10 purposes. Because I understand that regardless of
11 what was going on in my life, I made that decision
12 to do that, so that makes me responsible. Even
13 when I look at my crimies, and like Commissioner
14 Fisher just said right now, two of them was quite
15 young, two of them. They in essence became victims
16 as well. The reason I said that --

17 DEPUTY COMMISSIONER MEJIA: You were the
18 eldest?

19 INMATE BAKER: Pardon me?

20 DEPUTY COMMISSIONER MEJIA: You were the
21 eldest?

22 INMATE BAKER: Yes, Sir, I was 18. They
23 became victims as well because of poor leadership
24 and judgment on my part. I can only hope now that
25 their lives weren't effected by a life of crime.
26 But I accept responsibility for my actions and
27 their actions, because at any given point

1 throughout this crime there were windows of
2 opportunity for me to say we're not going to do
3 this. There were windows of opportunity and I
4 never stopped to take either one of them. But I
5 absolutely take full responsibility for this crime.

6 DEPUTY COMMISSIONER MEJIA: No other
7 questions from me.

8 PRESIDING COMMISSIONER FISHER: Okay, Ms.
9 Danville, any questions?

10 DEPUTY DISTRICT ATTORNEY DANVILLE: I have a
11 lot of questions.

12 PRESIDING COMMISSIONER FISHER: And let me
13 remind you, Mr. Baker, because I usually forget,
14 she's going to ask the questions through me and you
15 should answer through me, okay.

16 INMATE BAKER: Yes, Ma'am.

17 PRESIDING COMMISSIONER FISHER: Okay, go
18 ahead.

19 DEPUTY DISTRICT ATTORNEY DANVILLE: Who
20 would he consider the leader of these people
21 between he and Bernice?

22 INMATE BAKER: Me, I am. Like I say, she
23 was 18, but I was the male figure there. That was
24 me.

25 DEPUTY DISTRICT ATTORNEY DANVILLE: In the
26 Appellate Opinion at the top of page three it
27 starts out essentially the statement of facts

1 discussing a hardware store in the city of Perris
2 that was burglarized some time right around
3 midnight, a little bit before the first victim,
4 Joseph Burger was carjacked. My question to the
5 inmate is did he and or his crime partners
6 burglarize this hardware store in Perris,
7 California, where numerous guns and ammunition were
8 stolen just before the Joseph Burger incident?

9 INMATE BAKER: Absolutely not and we was
10 acquitted of that, in fact, in the court.

11 DEPUTY DISTRICT ATTORNEY DANVILLE: Well the
12 Appellate Opinion on page five, the bottom of page
13 four, top of page five says, laboratory tests of
14 gunshot residue indicate that defendant Baker was
15 the one who shot Dixon and ballistics tests
16 indicate that the bullet had been fired from one of
17 the guns taken at the hardware burglary earlier
18 that evening. And then the last sentence at the
19 bottom of page five says, I'm at the bottom of this
20 paragraph on page five, the car contained rifles
21 taken from the hardware store and used during the
22 crime spree. Ammunition removed from the Seven 11
23 Store and Burger (indiscernible).

24 ATTORNEY TARDIFF: I don't -- Do we have the
25 Appellate?

26 PRESIDING COMMISSIONER FISHER: I don't have
27 (indiscernible).

55

1 ATTORNEY TARDIFF: I don't have the
2 Appellate Opinion I don't think.

3 INMATE BAKER: Can I address that, please?

4 ATTORNEY TARDIFF: No, not yet. Here it is,
5 but you can't read it.

6 PRESIDING COMMISSIONER FISHER: Is that part
7 of the stuff that's unreadable back there?

8 ATTORNEY TARDIFF: Yes.

9 PRESIDING COMMISSIONER FISHER: I thought
10 that was all Probation Officer's Reports.

11 DEPUTY DISTRICT ATTORNEY DANVILLE: I have a
12 readable copy.

13 PRESIDING COMMISSIONER FISHER: This is what
14 we've got.

15 ATTORNEY TARDIFF: Well no, I don't know if
16 that's it. I don't even know if that's it.

17 DEPUTY DISTRICT ATTORNEY DANVILLE: Yeah, it
18 says Fred L. Baker and Bernice Rose Habbit Opinion.

19 PRESIDING COMMISSIONER FISHER: Should we
20 take a break and go to copy it?

21 ATTORNEY TARDIFF: Yes.

22 PRESIDING COMMISSIONER FISHER: Why don't we
23 do that. We're going to have to take a quick
24 recess, so we're just going to put everybody on
25 mute and on hold and it should only take a few
26 minutes.

27 [Off record.]

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1 ATTORNEY TARDIFF: Can they hear us?

2 DEPUTY COMMISSIONER MEJIA: Can you hear us?

3 MS. GARTHWAITE: Yes, we can hear you.

4 PRESIDING COMMISSIONER FISHER: Okay, do you
5 want to go ahead, Ms. Danville.

6 DEPUTY DISTRICT ATTORNEY DANVILLE: Yes.

7 PRESIDING COMMISSIONER FISHER: Just let us
8 know what page you're referring to.

9 DEPUTY DISTRICT ATTORNEY DANVILLE: Okay,
10 and I was referring to page five, the last sentence
11 before it says Habbit's appeal. The sentence
12 reads, the car contained rifles taken from the
13 hardware store and used during the crime spree,
14 ammunition, the loot from the Seven 11 Store, and
15 Burger's wallet. So my question, first question
16 specifically to Mr. Baker, did he participate in
17 the robbery of the hardware store shortly before
18 Mr. Burger was accosted or victimized?

19 INMATE BAKER: No, Ma'am.

20 DEPUTY DISTRICT ATTORNEY DANVILLE: Is he
21 aware of whether or not the two male juveniles who
22 were with him were involved in the burglary of the
23 hardware store?

24 INMATE BAKER: I can't speak on their behalf
25 because I don't know that.

26 PRESIDING COMMISSIONER FISHER: You don't
27 know, you have no information?

1 INMATE BAKER: No, Ma'am, I have no
2 information on that, no.

3 DEPUTY DISTRICT ATTORNEY DANVILLE: Was he
4 with the two male juveniles and Bernice all evening
5 prior to them going out and coming up to Mr.
6 Burger?

7 INMATE BAKER: No, Ma'am, I wasn't.

8 DEPUTY DISTRICT ATTORNEY DANVILLE: At what
9 time did he get together with his three crime
10 partners?

11 INMATE BAKER: Well they came over to my
12 grandmother's house when I was over there and I
13 guess this was, it was kind of late. I don't know
14 if it was dark. I don't know the exact time. I
15 couldn't tell that. It could have been between
16 eight and 10 or something like that. I don't know.

17 PRESIDING COMMISSIONER FISHER: Okay, but it
18 was evening?

19 INMATE BAKER: Yes.

20 DEPUTY DISTRICT ATTORNEY DANVILLE: So the
21 three of them arrived at his grandmother's house
22 together between eight and 10?

23 INMATE BAKER: Well Bernice didn't, just the
24 two, my cousin and Scobie (phonetic) did, I mean
25 and Ferris arrived there. Bernice was at my
26 auntie's house, my aunt Della's house and Scobie
27 and Ferris, to my grandmother's house, which was in

1 the Midway Apartments, and that's where we all met,
2 up right there. That's where he met me at. I was
3 over there.

4 DEPUTY DISTRICT ATTORNEY DANVILLE: Okay, so
5 then did Ferris and his cousin pick him up and then
6 the three of them went to the auntie's house to get
7 Bernice? Is that how that happened?

8 INMATE BAKER: We went to my auntie's house
9 just to go over there because it wasn't to pick up
10 Bernice or nothing like that, we just go over
11 there. That was my aunt. That was my auntie's
12 house and I was just going over to her house.

13 PRESIDING COMMISSIONER FISHER: Okay, but
14 was that where you picked up Bernice?

15 INMATE BAKER: Yes, absolutely.

16 PRESIDING COMMISSIONER FISHER: Whether it
17 was the purpose to go there or not.

18 INMATE BAKER: Right, absolutely.

19 ATTORNEY TARDIFF: So the three of you went
20 to your aunt's house?

21 INMATE BAKER: That's correct.

22 DEPUTY DISTRICT ATTORNEY DANVILLE: And does
23 he recall approximately what time it was that the
24 three of them went to the aunt's house and then
25 they happened to see Bernice there?

26 INMATE BAKER: I really can't give you that
27 time. I just don't, I don't know the time.

1 DEPUTY DISTRICT ATTORNEY DANVILLE: Does he
2 have a sense of roughly like how long, was it like
3 hours?

4 INMATE BAKER: Between like I said, 10,
5 eight, nine, 10, between there. All of this
6 happened within this time frame.

7 PRESIDING COMMISSIONER FISHER: Sort of
8 middle of night, middle of the evening.

9 INMATE BAKER: There you go. See it's hard
10 for me to gauge it because it got darker, I don't
11 know if it was late. It had to get dark early, and
12 out there in Perris it gets dark. It's dark, so
13 you lose track of time unless you're looking at a
14 watch all the time. I really couldn't tell you, but
15 I believe it was within that time frame.

16 DEPUTY DISTRICT ATTORNEY DANVILLE: Perhaps
17 he would know the answer to this question then.
18 Can he give us an idea of how long the four of them
19 were together at the auntie's house before they
20 left to go on this crime spree?

21 INMATE BAKER: I guess that would be about
22 an hour, an hour and a half, something like that.

23 DEPUTY DISTRICT ATTORNEY DANVILLE: What was
24 going on in that hour, hour and a half?

25 INMATE BAKER: Playing music, being
26 teenagers, just messing around with each other,
27 that's what we were doing.

60

1 DEPUTY DISTRICT ATTORNEY DANVILLE: Was that
2 when he smoked the marijuana laced with PCP?

3 INMATE BAKER: Yes, it was.

4 DEPUTY DISTRICT ATTORNEY DANVILLE: At what
5 point did he first see the guns?

6 INMATE BAKER: I saw the guns like --
7 Actually I saw the guns earlier, like when we made
8 it over to my auntie's, as a matter of fact that's
9 when it was, at my auntie's house because my cousin
10 had went I believe to the back of the house or
11 somewhere and got the guns. So I seen the guns
12 that night, so it was just before we had smoked PCP
13 that I had seen the guns.

14 DEPUTY DISTRICT ATTORNEY DANVILLE: And how
15 many did he see?

16 INMATE BAKER: I only saw one.

17 DEPUTY DISTRICT ATTORNEY DANVILLE: And that
18 was his cousin who had it in his possession?

19 INMATE BAKER: That's correct.

20 DEPUTY DISTRICT ATTORNEY DANVILLE: And for
21 what purpose did his cousin go acquire the gun?

22 INMATE BAKER: Well, as I mentioned earlier,
23 my cousin and his father, they went hunting as far
24 as I know. I don't, other than that, that's what
25 they did. They went hunting, they did fishing.
26 They did --

27 PRESIDING COMMISSIONER FISHER: Let me get

1 you back --

2 ATTORNEY TARDIFF: Why they took it with
3 them.

4 PRESIDING COMMISSIONER FISHER:
5 (Indiscernible).

6 ATTORNEY TARDIFF: (Indiscernible.)

7 INMATE BAKER: I don't understand.

8 PRESIDING COMMISSIONER FISHER: She wants to
9 know why he went and got the gun that night. Why
10 did he leave the room and go get the gun?

11 INMATE BAKER: I don't know. I don't know.
12 Maybe he just wanted to show it to me because one
13 thing as a teen, and I'm sure we can all relate to
14 this, we do things like that, and that's he was 15,
15 he could have wanted to show it to me.

16 DEPUTY DISTRICT ATTORNEY DANVILLE: So when
17 his cousin comes back with this gun, does he say
18 anything to him about the gun or ask him why he's
19 bringing in the gun? Is there a conversation about
20 the gun?

21 INMATE BAKER: No, there is not. I just
22 look at and I just says nice. It wasn't nothing
23 where'd this come from or what the purpose you go
24 and do this for. See those are things -- It's like
25 what she's asking, that a responsible person would
26 ask. And my whole frame of mind at that time is I
27 wasn't thinking rationally so I couldn't, I didn't

1 think to ask those questions.

2 DEPUTY DISTRICT ATTORNEY DANVILLE: How long
3 before they left the house was it that the cousin
4 brought the gun into the room?

5 PRESIDING COMMISSIONER FISHER: Before you
6 guys left to go out, about how long before that do
7 you think he --

8 INMATE BAKER: Maybe 30 minutes, 40 minutes,
9 something like that.

10 DEPUTY DISTRICT ATTORNEY DANVILLE: How long
11 after he brought the gun out was it before they
12 started smoking the PCP?

13 INMATE BAKER: We smoked PCP, like I said,
14 it was just a joint with me, you know. But now
15 they were smoking it and they could have been in
16 contact, I don't know. But I guess about 15
17 minutes after I seen it, that's when they gave it
18 to me and I smoked it.

19 DEPUTY DISTRICT ATTORNEY DANVILLE: When did
20 he get the female clothing and the makeup?

21 INMATE BAKER: Prior to leaving.

22 DEPUTY DISTRICT ATTORNEY DANVILLE: But when
23 prior to leaving?

24 INMATE BAKER: That was after all that was
25 done. After all that was done and then I believe
26 my cousin's baby started crying and she said there
27 was no milk in there. And we didn't have a way to

1 get to the store or nothing like that. And so
2 that's when all this, this stuff about going out
3 there and getting a car on the road, stopping and
4 taking their car, basically is what we did. All
5 that happened within that time. That was I guess
6 10, 20 minutes after my smoking PCP all this stuff
7 came up about the dress and all this stuff.

8 DEPUTY DISTRICT ATTORNEY DANVILLE: How long
9 did it take him to put on the female makeup?

10 INMATE BAKER: It didn't take no time at
11 all.

12 PRESIDING COMMISSIONER FISHER: And did you
13 do it before you left the house?

14 INMATE BAKER: Actually all I had was a
15 stocking. I didn't have any makeup and lipstick
16 and all. I didn't have that.

17 PRESIDING COMMISSIONER FISHER: Okay, and a
18 dress or something?

19 INMATE BAKER: Yeah, the dress just dropped
20 right over me.

21 PRESIDING COMMISSIONER FISHER: Okay.

22 DEPUTY DISTRICT ATTORNEY DANVILLE: How far
23 away from his auntie's house was it where he and
24 Bernice stood by the road flagging down who
25 ultimately turned out to be Mr. Burger?

26 INMATE BAKER: Maybe about three, four
27 miles.

1 DEPUTY DISTRICT ATTORNEY DANVILLE: How long
2 did it take them to get that three or four miles?

3 INMATE BAKER: I don't know. I just can't
4 tell you that.

5 PRESIDING COMMISSIONER FISHER: Did you go
6 on foot?

7 INMATE BAKER: Yeah, we walked.

8 DEPUTY DISTRICT ATTORNEY DANVILLE: When
9 they left the house had he seen the other guns yet?

10 INMATE BAKER: Right when we started leaving
11 the house, that's when I seen them. That's when I
12 seen them.

13 DEPUTY DISTRICT ATTORNEY DANVILLE: Was a
14 gun handed to him when they left the house?

15 INMATE BAKER: No, it was not.

16 DEPUTY DISTRICT ATTORNEY DANVILLE: When did
17 he come into possession of the gun?

18 INMATE BAKER: I got possession of the gun
19 after we had got into the vehicle, that's when I
20 got possession of a gun.

21 DEPUTY DISTRICT ATTORNEY DANVILLE: From
22 whom?

23 INMATE BAKER: From my cousin Steven.

24 DEPUTY DISTRICT ATTORNEY DANVILLE: And was
25 he aware that the other two men at that point were
26 armed, the other two young boys?

27 INMATE BAKER: Yes, I was actually.

1 DEPUTY DISTRICT ATTORNEY DANVILLE: When
2 they took the car, according to the Appellate
3 Opinion, and I'm reading from page three, the top
4 larger paragraph, it says Burger was ordered out of
5 his car, his wallet was taken, and defendant and
6 their companions got into the Vega and drove off.
7 As they did one said, quote, "don't let the white
8 boy get away," close quote. My question to the
9 inmate is who in the group said don't let the white
10 boy get away?

11 INMATE BAKER: It had to be either Steven or
12 Ferris because I was in the car, in the passenger
13 seat. I wouldn't even know that. That's news to
14 my ears right there.

15 DEPUTY DISTRICT ATTORNEY DANVILLE: This is
16 making it sound as though as Mr. Burger is getting
17 out of the car and all of the four crime partners
18 are getting -- well, and they're sending Mr. Burger
19 out of the car and they're getting in the car the
20 one says don't let the white boy get away.

21 INMATE BAKER: Right, well the one thing --
22 Let me say this, please. Right now she's getting
23 into an area that's murky. Like I'm saying, I was
24 high on PCP at that time, so I'm not going to
25 discount anything that she's reading because that's
26 facts, that is the law of the case, and so whatever
27 she's reading right now I'm going to agree with it

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1 because, like I said, I'm not going to refute that
2 because I accept responsibility. That's what the
3 court of law said happened. That's what happened
4 in my mind and I believe it.

5 PRESIDING COMMISSIONER FISHER: Okay, just
6 to clarify, let me ask you. So are you saying that
7 you believe that that probably happened since it's
8 been recorded --

9 INMATE BAKER: Absolutely.

10 PRESIDING COMMISSIONER FISHER: -- but that
11 you have no memory of it?

12 INMATE BAKER: Well some of this, like she
13 was saying about the language that we used, I don't
14 recall that. But I do recall going down there and
15 getting into the vehicle. I remember that.

16 DEPUTY DISTRICT ATTORNEY DANVILLE: Does he
17 remember Mr. Burger testifying to that fact during
18 the course of his trial when he wasn't on PCP?

19 INMATE BAKER: Absolutely, yes.

20 DEPUTY DISTRICT ATTORNEY DANVILLE: Did he
21 ever have a discussion with his crime partners
22 about that statement?

23 INMATE BAKER: No. No, Ma'am.

24 DEPUTY DISTRICT ATTORNEY DANVILLE: And then
25 the next sentence says Burger heard a shot fired
26 over his head and he fled into the shrubs nearby.
27 My question to the inmate is who fired the shot

1 that went over Mr. Burger's head?

2 INMATE BAKER: It was either Ferris or
3 Scobie. They're the only two that had guns at the
4 time. I didn't have a gun getting into the car.

5 PRESIDING COMMISSIONER FISHER: It sounds
6 like the, let me just clarify, because I think you
7 might be a little confused too. It's my
8 understanding from reading this that all of this
9 happened when you were all in the car.

10 DEPUTY DISTRICT ATTORNEY DANVILLE: That's
11 my understanding as well.

12 PRESIDING COMMISSIONER FISHER:
13 (Indiscernible) so the shot that was fired over his
14 head was fired once the four of you were already in
15 the car, just to clarify it.

16 INMATE BAKER: Okay if that's the case I was
17 in the front passenger seat. I didn't have a gun.
18 They were in the back, is what I'm saying, and my
19 cousin Bernice was driving the car, so I wouldn't
20 really know that.

21 PRESIDING COMMISSIONER FISHER: Okay, you
22 said -- Can I?

23 DEPUTY DISTRICT ATTORNEY DANVILLE: Please.

24 PRESIDING COMMISSIONER FISHER: Okay. You
25 said earlier that you had gotten possession of a
26 gun once you were in the car.

27 INMATE BAKER: Right.

1 PRESIDING COMMISSIONER FISHER: At what
2 point?

3 INMATE BAKER: Like when we got into the car
4 they were in the back. And when we started
5 driving, going toward the Seven 11, that's when I
6 got possession of a gun.

7 PRESIDING COMMISSIONER FISHER: Okay, and
8 how did you get it? Did somebody hand it up to you
9 or did you reach back and get it?

10 INMATE BAKER: Yes, my cousin handed it over
11 to me.

12 PRESIDING COMMISSIONER FISHER: Okay,
13 thanks.

14 DEPUTY DISTRICT ATTORNEY DANVILLE: So if
15 I'm understanding him correctly his cousin didn't
16 hand him a gun until after Mr. Burger was long
17 gone. Is that his testimony today?

18 INMATE BAKER: Yes, absolutely.

19 PRESIDING COMMISSIONER FISHER: Okay

20 DEPUTY DISTRICT ATTORNEY DANVILLE: Okay,
21 then when they went to the next scene, did they go
22 directly to the store on VanBuren and Washington at
23 the Seven 11 there?

24 INMATE BAKER: Yes, we did.

25 DEPUTY DISTRICT ATTORNEY DANVILLE: Or did
26 they make any stops along the way?

27 INMATE BAKER: Directly.

1 DEPUTY DISTRICT ATTORNEY DANVILLE: And then
2 at the Seven 11 Store, prior to anyone going in,
3 was there talk of taking another vehicle since
4 another vehicle was ultimately taken?

5 INMATE BAKER: No, Ma'am, there wasn't.

6 DEPUTY DISTRICT ATTORNEY DANVILLE: Does he
7 recall Bernice coming back out to the car where the
8 three young men were waiting to tell them the
9 condition of the store, that she only saw a female
10 and it was clear, go ahead, go on in?

11 INMATE BAKER: That didn't happen. That
12 absolutely did not happen. No, I don't remember
13 nothing like that because the way that went down,
14 when my cousin went in to get the milk, while she
15 was in that store, that's when the decision was
16 made to rob the store. So she didn't know nothing
17 about that. That was between me and my cousin and
18 Ferris. That's when that occurred.

19 DEPUTY DISTRICT ATTORNEY DANVILLE: So then
20 if his cousin said that this had all been
21 preplanned and that she actually chose him and the
22 other two because they'd been doing a string of
23 robberies right leading up to this, would she have
24 been lying when she said that?

25 INMATE BAKER: Absolutely.

26 DEPUTY DISTRICT ATTORNEY DANVILLE: And if
27 she said that the plan was for her to go in, act

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1 like a shopper, bring things up to the cash
2 register so that she could scope out the store and
3 see if there were any other people in there besides
4 the clerk, leave the stuff on the counter, say she
5 was going to go out and get money, but really she
6 used that as a ploy to go out and tell them, okay,
7 it's clear, go in and do the robbery. Is that all
8 a lie?

9 INMATE BAKER: That's all fabrication,
10 Ma'am, absolutely, absolutely.

11 DEPUTY DISTRICT ATTORNEY DANVILLE: So whose
12 idea was it then when the three of them were
13 sitting in the car when Bernice went in to get
14 milk, whose idea was it to do the robbery?

15 INMATE BAKER: That was between me and
16 Steven. We kind of tossed that back and forth and
17 as she was coming out we was getting out and going
18 in to rob the store.

19 DEPUTY DISTRICT ATTORNEY DANVILLE: Does he
20 recall who thought of it first, him or Steven?

21 INMATE BAKER: I can't tell you that. But I
22 will say this here, it's like I said, I accept full
23 responsibility for whoever said what. I accept
24 that responsibility. Like I said, I was the oldest
25 and I could have prevented that crime anywhere
26 along that crime. I didn't. So I was responsible.
27 That was a 15 year old kid. I did that. I'm

1 responsible for that. If you want to know that, I
2 was responsible. Give me the responsibility.

3 DEPUTY DISTRICT ATTORNEY DANVILLE: Why did
4 they take a car from the Seven 11?

5 INMATE BAKER: Because there happened to
6 just be another vehicle out there and they just
7 wanted to take another car. My cousin Steven, he
8 seen the car, and he asked where the keys was. And
9 I don't know who took him back there but they got
10 the keys and he come out and he got in the other
11 car and I got in the car with him. My cousin
12 Bernice got in the other car with Ferris and the
13 other victims and we drove off.

14 DEPUTY DISTRICT ATTORNEY DANVILLE: Was this
15 planned or talked about that it would be one victim
16 in each car with two suspects in each car or did
17 that just kind of happen?

18 INMATE BAKER: Well everything happened
19 spontaneously. It's what, you know, it's like,
20 what I've come to learn is this here. It's like
21 they call it control of impulses. This is the
22 terminology that they use. And with me it was the
23 lack of control of impulses. So in other words,
24 impulsivity took over. It's like when we was in
25 the car we was just impulsively doing things.

26 PRESIDING COMMISSIONER FISHER: And I think
27 she's just trying to get into how much thought you

1 put into it, so you're saying that you saw the car,
2 he got the keys, and just --

3 INMATE BAKER: Got in the car and drove.

4 PRESIDING COMMISSIONER FISHER: You just did
5 it?

6 INMATE BAKER: Just did it.

7 PRESIDING COMMISSIONER FISHER: All right.

8 DEPUTY DISTRICT ATTORNEY DANVILLE: Did
9 anyone order the victims into the respective cars?
10 Did anybody take a leadership role in how this
11 kidnapping was going to go down?

12 INMATE BAKER: No, I know Ferris left with
13 one victim, and me and Steven was in, we left out
14 second with the other victim into the blue Pinto or
15 whatever that was. So that's the extent of that.
16 It wasn't --

17 DEPUTY DISTRICT ATTORNEY DANVILLE: So how
18 did the victims know where to go? Did somebody
19 tell them who to go where or did it just, did
20 somebody physically grab them, or how did that
21 happen?

22 INMATE BAKER: What I'm saying, Ferris, I
23 believe it was Ferris had to take the other one to
24 the Pinto, that had to be Ferris. I was driving
25 the blue Pinto because I had the keys. My cousin
26 gave me the keys, and him and the other victim
27 walked and got into the passenger side of the blue

1 Pinto.

2 PRESIDING COMMISSIONER FISHER: How did you
3 get the victims in there, did you just tell them
4 (indiscernible)?

5 INMATE BAKER: See what it was was like
6 (indiscernible). It's like that was, from my
7 understanding, a mother and daughter. This is what
8 came out in the court. It's like with me and my
9 parent, if my parent was taken up out of there,
10 then yes, you would tell me, you would instruct me
11 and I'm going to go. So that's what happened in
12 that case.

13 PRESIDING COMMISSIONER FISHER: Okay, you're
14 getting too far into insight here. We're just
15 looking for facts, okay. What we're trying to do
16 is reconstruct so that we can picture what's going
17 on, okay. So did somebody walk up to the two
18 victims with guns and point the guns at them and
19 say, okay, you get in this car, you get in this
20 car?

21 INMATE BAKER: Not, okay, Ferris walked up
22 to, I think it was the mother --

23 PRESIDING COMMISSIONER FISHER: Okay, well
24 it doesn't matter.

25 INMATE BAKER: Well he walked up to her and
26 he took her out, took her to the car.

27 PRESIDING COMMISSIONER FISHER: By how?

1 INMATE BAKER: Well he had a gun.

2 PRESIDING COMMISSIONER FISHER: Okay, and so
3 he walked up to her and he said come with me, get
4 in the car.

5 INMATE BAKER: Right, exactly. Then I had
6 one gun here and I was just standing like behind
7 the counter, in front of the counter, rather, and
8 my cousin Steven went behind the counter, got the
9 other victim, and walked her back to get the car
10 keys and when they came out he walked right with
11 her to the car.

12 PRESIDING COMMISSIONER FISHER: Okay, does
13 that answer what you were looking for?

14 DEPUTY DISTRICT ATTORNEY DANVILLE: Yes.
15 Then once they released the two women, who fired
16 the shot over their heads?

17 INMATE BAKER: I believe that had to be
18 Steven. It had to be. (Indiscernible.) That was
19 Steven because I was driving. Steven was in the
20 passenger seat.

21 DEPUTY DISTRICT ATTORNEY DANVILLE: So that
22 came from the car in which inmate was in?

23 INMATE BAKER: Absolutely, yes.

24 DEPUTY DISTRICT ATTORNEY DANVILLE: Then the
25 next thing I wanted to go to was the Val Dixon
26 incident. I just have a few questions there.
27 According to the Appellate Opinion on page four, it

1 says that as the red Vega came up near Val Dixon,
2 first it asked, somebody asked if Val Dixon needed
3 help. I believe that was Bernice. He says he's
4 okay. The Vega drives off, but when it comes back
5 someone in the car says to Dixon, hey sucker. When
6 he turns in response to that hey sucker, he sees a
7 rifle pointing at him, not two, but one. My first
8 question is who said hey sucker?

9 INMATE BAKER: I believe that was me. That
10 was me.

11 DEPUTY DISTRICT ATTORNEY DANVILLE: And then
12 it's very clear from here that there is only one
13 gun and not two, and from here I mean the Appellate
14 Opinion. Yet in the Psych Report and the Board
15 Report, it repeatedly talks about two guns being
16 pointed at Mr. Dixon. And I would like to know the
17 inmate's explanation. Is it one gun or is it two
18 guns?

19 INMATE BAKER: Like I said earlier, I
20 believe it was two guns. Like I said, I pulled the
21 trigger once. And I'm saying, if they're saying he
22 got shot twice, the other gun had to be there, it
23 had to be there. There were three guns in the car.
24 He got shot twice. I pulled the trigger once. It
25 had to be another gun.

26 DEPUTY DISTRICT ATTORNEY DANVILLE: And Mr.
27 Dixon testified at the trial apparently, because

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1 this is from the Appellate Opinion that he tried to
2 knock the barrel of the gun away and as he did he
3 was shot twice, indicating from that same gun. Yet
4 in some of the Board Reports and Psych Reports it
5 stated there was a struggle between Mr. Dixon and
6 the inmate over the gun as compared to Mr. Dixon
7 just trying to move it away. So I would like to
8 know what is the inmate's account of what happened?
9 Was there some sort of a struggle between he and
10 Mr. Dixon wherein the gun goes off, or is it as
11 reported in the Appellate Opinion that he's
12 pointing it, saying hey sucker, and as he tries to
13 move the gun it goes off.

14 INMATE BAKER: He tried to slap it and it
15 goes off.

16 DEPUTY DISTRICT ATTORNEY DANVILLE: Why was
17 Mr. Baker's finger on the trigger of the gun?

18 INMATE BAKER: Like I said earlier, I wasn't
19 thinking like logically, but I'm saying well where
20 else would it be? I'm saying, but see I wasn't in
21 my right frame of mind. Everything that the
22 District Attorney is saying, it could be true, all
23 of this. If it's in this paper it's true. The
24 thing I'm saying is if I were in my right frame of
25 mind none of this would have happened. But yeah,
26 my finger was on the trigger I felt because that
27 was the logical place for it to be at that time in

1 that state of mind.

2 DEPUTY DISTRICT ATTORNEY DANVILLE: Why was
3 Val Dixon shot?

4 INMATE BAKER: Like I said, he slapped at
5 the gun. It wasn't like I was intentionally trying
6 to hurt Mr. Dixon. That wasn't my intention. He
7 slapped at the gun, my finger is on the trigger, it
8 moved and it went off.

9 DEPUTY DISTRICT ATTORNEY DANVILLE: But the
10 inmate is saying only once. He is denying that he
11 fired the second shot?

12 INMATE BAKER: Absolutely. Absolutely.

13 DEPUTY DISTRICT ATTORNEY DANVILLE: When did
14 his brother become a Crip member?

15 INMATE BAKER: I can't tell you that.

16 DEPUTY DISTRICT ATTORNEY DANVILLE:
17 Approximately. Like within the last two years or
18 three years ago (indiscernible)?

19 INMATE BAKER: No, it's been like all his
20 life. For me, and I've been in here almost 25
21 years, so she's asking me to go way back somewhere
22 where I really I don't know. I wasn't with my
23 brother all the time, so I couldn't tell you when
24 he decided to join a gang. I can't tell you that.

25 DEPUTY DISTRICT ATTORNEY DANVILLE: I'm not
26 asking for the specific year, I'm just trying to
27 get a gauge of where during the inmate's life it

1 was he became aware his brother was a Crip member?

2 INMATE BAKER: That was about when I was 16,
3 15.

4 DEPUTY DISTRICT ATTORNEY DANVILLE: Because
5 in the December 18, 1998, Psychological Report on
6 page one under the Section Four entitled Family
7 History, it says no other family members have a
8 history of criminal, substance abuse, or
9 psychiatric problems. So what we heard today about
10 his brother being a Crip member, I'm wondering if
11 he told, and I believe it was Dr. Terrini in '98,
12 yes it was Dr. Terrini. Did you tell Dr. Terrini
13 back in 1998 when the doctor asked him about his
14 family members that he had a brother who was a Crip
15 and who was incarcerated in the system?

16 INMATE BAKER: No, I just found out my
17 brother has been incarcerated two weeks ago, so no,
18 I didn't tell him that. And Dr. Terrini never even
19 asked me that because at that time the doctor was
20 asking me specific questions and I was answering
21 like I'm answering now, specifically.

22 ATTORNEY TARDIFF: But did he ask you if any
23 other family members were involved in criminal
24 activity?

25 INMATE BAKER: There you go, that's the
26 question. As far as I knew, no. I didn't know.

27 DEPUTY DISTRICT ATTORNEY DANVILLE: Here it

1 is, okay. And now I'm looking at one of the
2 reports for the Cat X, and this one is dated
3 5/19/95 authored by Psychological Social Worker by
4 the name of Dr. Hansen. And in this report on page
5 four she talks about the inmate telling her that he
6 ran away from home when he was 15 years old because
7 of his parents' alcoholism and drug abuse. Earlier
8 in the hearing the inmate's explanation for the
9 prior burglary, which ultimately landed him in CYA
10 because of his escape, he said the reason he did
11 that burglary was because of his dad's drinking
12 problem. But it seems like from this report to Dr.
13 Hansen that his dad had a drinking problem then.
14 So what was different between his dad's drinking
15 problem during the time he ran away --

16 **INMATE BAKER:** Well prior to that I'd never
17 seen my dad hit my step mom. And when I left at
18 that time my dad hit my step mom and I didn't like
19 that. I didn't appreciate that. And since I was
20 just a kid there was nothing I could physically do
21 to my father, so that's when that happened.

22 **DEPUTY DISTRICT ATTORNEY DANVILLE:** And then
23 in the same report on the same page it says, the
24 paragraph next to the bottom, the inmate was not in
25 the military and stated he had not been married
26 although the C-File indicates that he did marry a
27 girlfriend when he was in county jail on the

1 instant offense. My question to the inmate is why
2 would he tell her that he had not been married when
3 he in fact had been married for six years to this
4 woman?

5 INMATE BAKER: Well the only explanation I
6 can give you for that is that's a typo because
7 everybody knows in anything they talked to me is
8 I'm married. I'm proud of my marriage. I love my
9 wife. So it's not like I was trying to hide
10 anything. So that has to be a typo or something,
11 that's all I can put to that.

12 DEPUTY DISTRICT ATTORNEY DANVILLE: And the
13 woman that he married when he was in county jail,
14 his first wife, is that the woman who aborted the
15 child that led to his depression, that led to the
16 commitment offense?

17 INMATE BAKER: No, Ma'am, it wasn't.

18 DEPUTY DISTRICT ATTORNEY DANVILLE: So the
19 woman that he married, how long had he known her?

20 INMATE BAKER: I'd known her because I'd met
21 her over a few years. But we didn't really do
22 anything until after I came to court case. My wife
23 then was Annette McCray. She aborted my
24 baby was April Ratliff.

25 DEPUTY DISTRICT ATTORNEY DANVILLE: And then
26 one thing I wanted to ask him. He was talking
27 about God had directed him to be a jail director

1 and I'm wondering does he have a church and a choir
2 specifically picked out or is this just in general
3 what he wants to do?

4 INMATE BAKER: There is a church which is
5 called From the Heart Church Ministries of Southern
6 California. It's located in Pomona. And that's
7 pastored by Reverend Joseph J. Owens. That's one
8 of the pastors that I'm going to speak with. I
9 don't want to sit here and tell you that I've made
10 a definite commitment to him because the Lord may
11 direct me somewhere else.

12 PRESIDING COMMISSIONER FISHER: Let me ask
13 you this. How do you know him?

14 INMATE BAKER: I've known him through my
15 family.

16 DEPUTY DISTRICT ATTORNEY DANVILLE: I have
17 no further questions.

18 PRESIDING COMMISSIONER FISHER: All right.
19 Ms. Tardiff, do you --

20 DEPUTY COMMISSIONER MEJIA: I have one last
21 question.

22 PRESIDING COMMISSIONER FISHER: All right,
23 go ahead.

24 DEPUTY COMMISSIONER MEJIA: You claimed
25 earlier that you take leadership or ownership of
26 the group, you were the oldest.

27 INMATE BAKER: Absolutely.

1 DEPUTY COMMISSIONER MEJIA: Could you
2 explain to me why you weren't aware or very much
3 aware of where the gun came from, the guns came
4 from.

5 INMATE BAKER: I didn't even think to ask,
6 Sir, I really didn't. It's like I was saying
7 earlier --

8 DEPUTY COMMISSIONER MEJIA: When did you
9 find out that those guns -- The Appellate Report
10 says that the guns were stolen from a hardware
11 store. When did you become aware of that?

12 INMATE BAKER: Right now at this very moment
13 when she just mentioned that to me.

14 DEPUTY COMMISSIONER MEJIA: So you were
15 under the belief that those rifles were your
16 uncle's?

17 INMATE BAKER: My uncle's house, he was a
18 security guard, he's been just brought up, as long
19 as I've known him he's been working in law
20 enforcement.

21 DEPUTY COMMISSIONER MEJIA: I've got no
22 other questions.

23 PRESIDING COMMISSIONER FISHER: Okay, I just
24 have one follow-up to that one, and it is, well
25 maybe two follow-ups to that one. The first one is
26 when you guys were out walking or looking for a
27 place to do your hitchhiking from, who was carrying

1 the rifles then?

2 INMATE BAKER: At that time it had to be
3 Steven and Ferris, because I was in the dress and I
4 was up there walking in front with my cousin.

5 PRESIDING COMMISSIONER FISHER: Okay. Do
6 you remember before you left, so this is a third
7 question. Do you remember before you left if
8 anybody said we ought to bring some guns with us?

9 INMATE BAKER: No.

10 PRESIDING COMMISSIONER FISHER: Okay, nobody
11 ever said that? Somebody just went and got the
12 guns and brought them?

13 INMATE BAKER: Yes, Commissioner.

14 PRESIDING COMMISSIONER FISHER: And during
15 the trial, did anybody testify during the trial to
16 the fact that the guns were part of a --

17 INMATE BAKER: Well, they separated us so as
18 far as the juveniles I don't know because we were
19 in different proceedings as far as I know.

20 PRESIDING COMMISSIONER FISHER: Okay, but
21 you don't remember anybody testifying in your trial
22 about whether they came from the hardware store?

23 INMATE BAKER: No, I don't recall that.

24 PRESIDING COMMISSIONER FISHER: Okay, that
25 answered my questions. Do you have any questions,
26 Ms. Tardiff?

27 ATTORNEY TARDIFF: So originally this whole

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1 thing got started because you needed to go
2 hitchhike --

3 DEPUTY COMMISSIONER MEJIA: Okay, we've got
4 to go to another tape.

5 [Thereupon, no further tapes were
6 received for transcription.]

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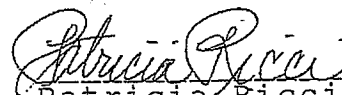
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I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated OCTOBER 15, 2004, at Sacramento County, California.



Patricia Ricci
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